

## Decision Report

### **City of Medicine Hat Subdivision and Development Appeal Board**

#### **Appeal #2-2026 – Development Application 710 Gershaw Drive SW**

**Harvco Signs c/o Len Blackman & Mike Davis (Applicant/Appellant)**

**Hearing held on Tuesday, June 23, 2026, at 10:00 a.m.**

**MEMBERS PRESENT:** J. Taylor, Chair  
Councillor B. Cocks  
E. Onoferychuk  
C. Acton

**STAFF PRESENT:** C. Cogbill, Legislative Coordinator, (SDAB Board Clerk)  
M. Wagner, Administrative Assistant, City Clerk Dept.  
R. Arabsky, Planner  
S. Champagne, Superintendent of Planning

#### **BACKGROUND TO THE APPEAL**

- [1] On May 14, 2026, Planning & Development Services refused Development Permit Application PLDP20260201 related to 710 Gershaw Drive SW (the “site”) for the following summarized reasons:
1. Public Safety and Traffic Impacts.
  2. Impact on Adjacent Residential Properties and Compatibility.
- [2] On June 8, 2026, the Appellant, Harvco Signs c/o Len Blackman and Mike Davis, submitted an appeal of the refusal citing grounds summarized as:
1. Does not create a Hazard to Public Safety or Health.
  2. Sign will not be visible from Residential Properties.
- [3] The site is designated as Mixed-Use (MU) District in Land Use Bylaw 4168.

#### **DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- [4] The Board grants the appeal and approves the development permit but with one condition. As per section 175.2 of Land Use Bylaw 4168, transition times between images must be 0.1 seconds.

#### **REASONS FOR THE DECISION**

- [5] The Board appreciates and understands the Development Authority’s reasons toward caution when approving electronic signs based on safety. However, the Board also feels that there is a reasonable limit to these safety concerns. The Board’s opinion is that the sign will not pose a safety issue to drivers or pedestrians, based on its size, location and orientation. No evidence was provided to show how the sign might contribute to any sort of danger to citizens.

- [6] The Development Authority's concern that the sign would be visible to adjacent residential homes was found to be false. The sign's orientation will be towards businesses across the thoroughfare and a second access road. The side casting of light is on an angle that it will not reach residential homes. This combined with the dimming of the sign during darkness or low light conditions and the hours being limited from 6:00 a.m. to 10:00 p.m., led the Board to conclude that the sign will not interfere with the amenities of the neighborhood or the use and enjoyment of adjacent properties.
- [7] In conclusion, the Board did not find the Development Authority's two reasons for denial to be substantiated, but the Board does impose a condition on the permit that the sign transitions be instantaneous (0.1 seconds) as per Land Use Bylaw 4168.

### **APPEAL HEARING**

- [8] The Board Chair introduced the Board as well as City Staff members who assist the Board, and provided information related to the hearing and decision process.
- [9] Prior to hearing submissions on the merits of the appeal, the Chair asked the Board members if, in their opinion, they may have a conflict of interest or bias or perceived conflict of interest or bias that may prejudice their decision regarding this appeal. There were no concerns expressed.
- [10] The Chair asked the Applicant/Appellant and Respondent if in their opinion, they felt that any member of the Board had a conflict of interest or bias that may prejudice their decision regarding this appeal. There were no concerns expressed.
- [11] The Clerk advised the Board that Public Notice of the hearing was published in the Saturday, June 13, 2026, and Saturday, June 20, 2026, edition of the Medicine Hat News. 70 notifications were sent out to adjacent/abutting and surrounding property owners. There were no submissions in addition to the Applicant/Appellant's received.

The following verbal presentations were then heard.

**R. Arabsky, Planner**, provided an overview of the development application and the planning authority's reasons for refusal, summarized as follows:

- [12] Development Permit application PLDP20260201 submitted by Harvco Signs proposes installing a portable single sided electronic display sign mounted on wheels approximately 2.44 m tall and 2.01 m wide which would operate from 6:00 a.m. to 10:00 p.m.
- [13] The proposed sign would replace an existing portable specialty sign on the property used to advertise for both the Garage Pub and third-party advertisers. The sign would be equipped with ambient light sensors and located where the existing specialty truck sign currently sits.
- [14] Under Land Use Bylaw 4168, Electronic Display is a discretionary use. The Development Authority may refuse discretionary use that is unsuitable based on planning considerations.
- [15] The surrounding land is zoned Mixed Use under Land Use Bylaw 4168. There are commercial properties nearby and residential properties to the north and the west of the proposed site.
- [16] The location is a busy arterial/collector intersection with significant traffic volumes.

[17] Application was refused based on two primary reasons:

i) Traffic Safety:

- (a) It is a high driver-workload intersection;
- (b) Electronic Displays could increase driver distraction;
- (c) Potential to reduce visibility of traffic control devices; and
- (d) Concern over additional visual clutter.

ii) Compatibility with Residential Area:

- (a) Sign visible from nearby homes;
- (b) Potential impacts;
- (c) Light spill;
- (d) Glare;
- (e) Visual intrusion; and
- (f) Determined the sign was incompatible with adjacent residential uses.

**S. Champagne, Superintendent of Planning**, provided the following clarifications:

[18] Planning generally applies a cautious approach to electronic signs near intersections. Engineering comments supported Planning's concerns regarding traffic distraction.

[19] Land Use Bylaw 4168 requires instantaneous image changes (no transition effects).

**M. Davis (Applicant/Appellant)** provided the following summarized statements:

[20] The proposed sign is safe and compliant. The sign location would be approximately 70-75 feet from the intersection. It would be positioned farther back than many existing electronic signs in Medicine Hat.

[21] The ambient light sensor automatically dims brightness and operates approximately at 35-40% brightness during the daytime and about 4% brightness at night. The sign would operate from 6:00 a.m. to 10:00 p.m.

[22] There would be very little residential impact as the sign faces commercial properties rather than homes. The homes are effectively behind the viewing angle (viewing is from 120°). Residents should not experience light pollution.

[23] The Applicant/Appellant noted that the SDAB Clerk mentioned that 70 letters were sent out to the adjacent property owners and there were no complaints submitted.

[24] Harvco has installed LED signs since 2009, and all previous projects have been installed without safety issues. Existing LED signs have not generated complaints or caused any reported collisions.

[25] The Applicant/Appellant referenced similar signs in the City of Medicine Hat including several signs at the intersections at the Baymont/Coast Hotel, Schools, Husky, and Swirl's to demonstrate that similar signs operate successfully near residential areas and intersections.

**L. Blackman (Applicant/Appellant)** provided the following summarized statements:

- [26] The images on the sign are completely static, there is no animation and no video. The advertisements will display for eight seconds and have a half second “soft fade” between advertisements.
- [27] The maximum brightness has been intentionally limited to mitigate safety issues providing automatic dimming during the day and low nighttime brightness.
- [28] Factory-installed safety measures include louvers that direct light downward. The viewing angle is limited to approximately 120° and the sign does not project light behind itself. The sign switches to black automatically, if power failure or malfunction occurs.
- [29] The Applicant/Appellant explained Harvco helped the City of Medicine Hat develop the Bylaw for LED sign standards years earlier and believes their products comply with luminance and safety standards.
- [30] The Applicant/Appellant confirmed the company could remove the soft transition and make image changes instantaneous if required to comply with the Land Use Bylaw 4168. He emphasized Harvco's long standing safety record and stated the company values community safety and wants to remain compliant with City bylaws.

**M. Champagne, Superintendent of Planning** – was provided the opportunity to make closing comments, summarized as follows:

- [31] When a development permit is considered, public safety is taken into account. The planning or the development permit application is considered against Land Use Bylaw 4168 and any statutory plans.

**M. Davis / L. Blackman (Applicant/ Appellant)** – were provided the opportunity to make closing comments, summarized as follows:

- [32] The Applicant/Appellants reaffirmed that Harvco operates safely and responsibly and stated that safety is their highest priority.

*Cyndi Cogbill*

Cyndi Cogbill, Legislative Coordinator  
SDAB Board Clerk

June 29, 2026

Date:

Decisions of the Subdivision and Development Appeal Board are final. However, an appeal may be made to the Alberta Court of Appeal under Section 688 of the *Municipal Government Act*. An application for leave to appeal must be filed and served within 30 days of the written decision.

cc. Mike Davis, (Applicant/Appellant)  
Les Blackman, (Applicant/Appellant)  
Rebecca Arabsky, Planner  
Shawn Champagne, Superintendent of Planning